

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Orbin Zaldivar,

Plaintiff,

-against-

Case No.: 2:23-cv-01434

JANL, Inc. d/b/a Sergio's Pizzeria & Restaurant, Sergio
Olivero, Severina Olivero and Luciano Olivero a/k/a Louis
Olivero,

Defendants.

**DECLARATION OF STEVEN J. MOSER IN SUPPORT OF PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT**

Steven John Moser declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am the attorney for the Plaintiff in this action.
2. I submit this declaration in support of Plaintiffs' motion for Default Judgment.
3. This action was commenced on February 23, 2023 against JANL, Inc. d/b/a Sergio's Pizzeria & Restaurant, Sergio Olivero, Severina Olivero and Luciano Olivero a/k/a Louis Olivero, to recover damages for violations of the Fair Labor Standards Act (FLSA), the New York Labor Law (NYLL) and the Hospitality Industry Wage Order (12 NYCRR 146).
4. Upon Plaintiff's request, the Clerk noted the Default of JANL, Inc. and Sergio Olivero pursuant to Rule 55(a) on August 28, 2023.
5. Plaintiff's claims against Severina Olivero and Luciano Olivero a/k/a Louis Olivero were dismissed without prejudice on February 8, 2024.¹
6. By this motion, Plaintiff seeks judgment as follows:

¹ See Docket Order dated February 8, 2024.


Overtime and Minimum Wages (Counts I-III)	\$ 131,903.00
Spread of Hours Pay (Count IV)	\$ 17,184.00
Liquidated Damages on Counts I-IV	\$ 149,087.00
Prejudgment Interest (through 4/16/2024)	\$ 62,278.64
Total	\$ 360,452.64

7. Annexed hereto are true and accurate copies of the following documents:

Exhibit 1: Complaint (ECF No. 1)
Exhibit 2: Certificate of Default as to JANL, Inc. and Sergio Olivero (ECF No. 16)
Exhibit 3: Stipulation of Dismissal as to Severina Olivero and Luciano Olivero a/k/a Louis Olivero (ECF No. 20)
Exhibit 4: Plaintiff's damages spreadsheet
Exhibit 5: Plaintiff's damages spreadsheet (showing formulas)

I declare under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Huntington, New York
November 19, 2021



Steven John Moser, Esq. (SM1133)